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9

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 vs.
15 MICHAEL STANLEY KAPLAN, M.D.,
16 Defendant.

CASE NO. 2:13-cr-377-PMP-CWH

**DEFENDANT'S MOTION FOR LEAVE
TO FILE POINTS AND AUTHORITIES
IN EXCESS OF PAGE LIMITATION**

18 COMES NOW the Defendant, Michael Stanley Kaplan, M.D., ("Mr. Kaplan"), by and
19 through his attorneys of record, Dominic P. Gentile, Esq., Vincent Savarese III. Esq., and Paola
20 Armeni, Esq. of the law firm of Gordon Silver, and pursuant to LCR 47-7 hereby respectfully
21 requests leave of the Court to file Defendant's Motion for Judgment of Acquittal or, in the
22 Alternative, for a New Trial, submitted together herewith, in excess of the otherwise applicable
23 30 page limitation for post-trial points and authorities.

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1 This Motion is made and based upon all pleadings and papers on file herein and the
2 attached Memorandum of Points and Authorities.

3 Dated this 9th day of October, 2014.

GORDON SILVER

/s/ Dominic P. Gentile
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Attorneys for Defendant,
MICHAEL STANLEY KAPLAN, M.D.

MEMORANDUM OF POINTS AND AUTHORITIES

14 LCR 47-7 (Limitation on Length of Briefs and Points and Authorities, and Requirement
for Index and Table of Authorities) provides as follows:

"Unless otherwise ordered by the court, pretrial and post-trial briefs and points and authorities in support of, or in response to, motions shall be limited to thirty (30) pages including the motion but excluding exhibits. Reply briefs and points and authorities shall be limited to twenty (20) pages excluding exhibits. Where the court enters an order permitting a longer brief or points and authorities, the papers shall include an index and table of authorities."

The length of Defendant's Motion for Judgment of Acquittal or, in the Alternative, for a New Trial, submitted together herewith, exceeds the 30 page limitation for post-trial points and authorities. Defendant therefore seeks leave of the Court to file the motion pursuant to local rule.

The motion involves a detailed, objective analysis of the entire trial evidence in support of the Defendant's arguments that judgment of acquittal pursuant to Fed. R. Crim. P. 29(c), or in the alternative, a new trial, should be granted. This has necessitated that counsel exceed the page limitation in order to incorporate a comprehensive discussion of the entirety of the trial testimony.

In accordance with local rules, counsel has therefore included a table of contents and

1 table of authorities.

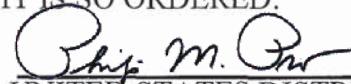
2 **CONCLUSION**

3 WHEREFORE, Dr. Kaplan respectfully prays that leave be granted to file Defendant's
4 Motion for Judgment of Acquittal or, in the Alternative, for a New Trial in excess of the
5 otherwise applicable 30 page limitation for post-trial points and authorities.

6 Dated this 9th day of October, 2014.

7
8 GORDON SILVER

9 /s/ Dominic P. Gentile _____
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Tel: (702) 796-5555
Attorneys for Defendant
MICHAEL STANLEY KAPLAN, M.D.

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18 IT IS SO ORDERED:
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21 UNITED STATES DISTRICT JUDGE
22 DATED: 10/14/14
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2014, I electronically filed the **Defendant's Motion for Leave to File Points and Authorities in Excess of Page Limitation**, with the Clerk of the Court for the United States District Court District of Nevada by using the CM/ECF system which will send notification of such filing(s) to the following:

Crane M Pomerantz crane.pomerantz@usdoj.gov; pamela.j.mrenak@usdoj.gov and
Peter James Leininger peter.leininger@fda.hhs.gov



An employee of GORDON SILVER